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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/592,086

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Richard Marc Libman

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EXAMINER

ALVAREZ, RAQUEL

ART UNIT

PAPER NUMBER

3688

MAIL DATE

DELIVERY MODE

08/19/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/592,086	<b>Applicant(s)</b> LIBMAN, RICHARD MARC	
	<b>Examiner</b> Raquel Alvarez	<b>Art Unit</b> 3688	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on 20 May 2008.

2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-159, 164-166, 168-170, 179, 180, 182, 185-187, 189-190, 194-195, 197, 200-202, 206, 209-210 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All    b) ☐ Some \*    c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 5/14/2008, 5/16/2008

4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_

5) ☐ Notice of Informal Patent Application

6) ☐ Other: \_\_\_\_\_

Continuation of Disposition of Claims: Claims pending in the application are 1-159,164-166,168-170,179,180,182,185-187,189,190,194,195,197,200-202,206,209 and 210.

**DETAILED ACTION**

1. This office action is in response to communication filed on 5/20/2008.
2. Claims 1-159, 164-166, 168-170, 179, 180, 182, 185-187, 189-190, 194-195, 197, 200-202, 206, 209-210 are presented for examination.

**Claim Rejections - 35 USC § 102**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-11, 53-73, 116-131, 139-141, 143-159, 164-169, 179, 182, 185-187, 189-190, 194-195, 197, 200-202, 204-206, 209-210 are rejected under 35 U.S.C. 102(b) as being anticipated by Ryan et al.(5,655,085 hereinafter Ryan).

With respect to claims Ryan teaches 1, 53-58, 64, 116-121, 127-131, 143-148, 150-151, 153, 154-159, 164-169, 179, 182, 185-187, 189-190, 194-195, 197, 200-202, 204, 209-210 Ryan teaches a computer implemented method of automatically preparing a communication pertaining to a product for a specific entities, with use of a processor and one or more associated databases (Abstract).

1) Using the processor to consider client data on specific entities and determine whether to offer a financial product or a financial service or both to the specific entities (see Figure 7);

(2) The processor makes a determination to offer said financial product or said financial service or both to said entity, then the processor uses client specific decision information to automatically selects parts of variable information from at least two different databases with client data and financial product data to determine the variable information specific to each specific entity and selects the parts of the variable information determined for inclusion in a communication formulated to express the offering for said specific entity (i.e. in Block 140, the system retrieves all components needed for a projection of life insurance values: product-specific data from data tables, stored by product and carrier; information regarding the insured(s) and information regarding the prospective insured(s) life insurance needs and other personal information as solicited and stored in FIG. 3B-1 see Abstract);

(3) Using an output module associated with the processor and configured to use at least one automated process to automatically compose the variable information comprising the parts determined to create and generate the communication for each said specific entity such that at least one portion within the communication accommodates the variable information, wherein said variable information for each specific entity comprises at least partially a customized identification, specification and/or promotion of said financial product or said financial service or both wherein said variable information for each specific entity has at least some data that is different (i.e. customized life insurance product customized to the individual)(Figure 27A).

With respect to claims 2-11, 65-73 Ryan further teaches storing said data in one or more databases and collecting additional data from one or more sources, and updating said one or more databases with said additional data accessible via modem (Block 140 and Abstract).

With respect to claim 141, Ryan further teaches providing said communication and reply means to said entity electronically (Figures 3D-1 and 3E-1).

With respect to claim 149, 152 Ryan further teaches selecting a first and second delivering medium that will be used to deliver subsequent communication pertaining to said offer (Figure 3B-8).

With respect to claims 59-63, 122-126, 139-140, 205-206 Ryan further teaches that the services relate to mortgage loan, insurance.

**Claim Rejections - 35 USC § 103**

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 12-52, , 132-138, 142, 170, 180 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan.

Claims 12-52, 74-115, 132-138, 142, 170, 180 further recite selecting the format for the communication and said selected delivering medium. Official notice is taken that it is well known to select different mediums in which to deliver information to users. For example, some users prefer e-mail to regular mail and this is taken into account in order to select the medium in which to deliver information.

**Response to Arguments**

7. Applicant's arguments with respect to claims 1-159, 164-166, 168-170, 179, 180, 182, 185-187, 189-190, 194-195, 197, 200-202, 206, 209-210 have been considered but are moot in view of the new ground(s) of rejection.

**Conclusion**

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**Point of contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (571)272-6715. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric w. Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Raquel Alvarez/  
Primary Examiner, Art Unit 3688

Raquel Alvarez  
Primary Examiner  
Art Unit 3688

R.A.  
8/15/2008



